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APPLICATION N	О.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,171	10/532,171 11/02/2005		Werner Uhler	10171/3743	6187
26646	7590	0 03/03/2006		EXAMINER	
		ENYON LLP	TO, TUAN C		
ONE BROADWAY NEW YORK, NY 10004				ART UNIT	PAPER NUMBER
	,			3663	
			DATE MAILED: 03/03/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
Office Action Summany	10/532,171	UHLER ET AL.					
Office Action Summary	Examiner	Art Unit					
	Tuan C. To	3663					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be time 17 rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	lely filed the mailing date of this communication. O (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on 20 Ap	<u>oril 2005</u> .						
2a) This action is FINAL . 2b) ☐ This	This action is FINAL . 2b)⊠ This action is non-final.						
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
4)⊠ Claim(s) <u>9-16</u> is/are pending in the application.							
	4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>9 and 10</u> is/are rejected.	Claim(s) <u>9 and 10</u> is/are rejected.						
7)⊠ Claim(s) <u>11-16</u> is/are objected to.	☑ Claim(s) <u>11-16</u> is/are objected to.						
8) Claim(s) are subject to restriction and/or	election requirement.						
Application Papers							
9) The specification is objected to by the Examine	r.						
10)⊠ The drawing(s) filed on <u>20 April 2005</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119		•					
12)⊠ Acknowledgment is made of a claim for foreign a)⊠ All b)□ Some * c)□ None of: 1.⊠ Certified copies of the priority documents		-(d) or (f).					
2. Certified copies of the priority documents have been received in Application No							
Copies of the certified copies of the prior	ity documents have been receive	ed in this National Stage					
application from the International Bureau							
* See the attached detailed Office action for a list	of the certified copies not receive	d.					
Attachment(s)							
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date							
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 04/20/2005.		atent Application (PTO-152)					

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 9 and 10 are rejected under 35 U.S.C. 102 (b) as being anticipated by Sawamoto et al. (US 20010014846A1).

With respect to claim 9, Sawamoto et al. disclose a vehicle control system including a sensor device to measure a distance and a relative speed of a target objected located in front of the vehicle (see Sawamoto et al., abstract), a regulating device, which is the processor (6), that control a distance between the host vehicle (own vehicle) and a preceding vehicle by maintaining a distance between said vehicles (Sawamoto et al., figure 3; page 3, paragraph 41, lines 3-8), a torque dampener configure to limit a positive acceleration of the host vehicle (Sawamoto et al., figure 3, a brake actuator 8), a dynamic device, which is the lane change detector (5) provided for detecting a sudden change in a traffic situation (lane change) ascertained by the sensor device (Sawamoto et al, figure 3, sensor 51, 52) and to restrict a function of the torque dampener according to the situation, maintaining distance and speed control.

With regard to claim 10, Sawamoto et al. discloses a selection module configured to select the target object for the distance control and to signal to the dynamic device a change in the target object, the change in the target object being criteria for the dynamic device for detecting the sudden change in the traffic situation (Sawamoto et al, figure 4, image camera 54). It should be noted that Sawamoto et al. inherently disclose a selection module in term of image camera (54) because the camera (54) captures the images of a target object running ahead of the host vehicle and provides the signal input to the processor (6), and therefore detects a sudden change in the traffic situation.

Allowable Subject Matter

After carefully considering the application with special attention, the examiner has found none of the prior art has been found discloses or suggests a device for adaptive distance and speed control in a motor vehicle,

Wherein the dynamic device is configured to receive the actuating variables conveyed to the torque dampener and to detect a switch of actuating elements as crieterion for the sudden change in the traffic situation based on the actuating variables, and wherein the torque dampener is configured to restrict positive and negative accelerations of the vehicle, represented by the actuating variables, and time derivatives, to associate limit values in each cases, and the restriction of the function of the torque dampener includes a change in the limit values.

For that reason, claims 11-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tc

February 28, 2006

SUPERVISORY PATENT EXAMINER

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